

REMARKS

Claims 1, 4 and 22 have been amended. Claims 6 and 53-58 have been canceled. Claim 68 has been added. Support for the amendments to the claims can be found in the Specification at least at page 27, line 22 et seq., page 23, line 16 to page 24, line 6 and in FIGS. 6 and 7. No new matter has been added and entry is respectfully requested.

Claims 1, 3-9, 11-22, 24-26, 28-31 and 53-58 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,849,495 to Bronstein et al. (hereinafter referred to as "Bronstein '495"). Claims 1, 3, 8, 22-24 and 53-58 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,335,596 to Bronstein et al. (hereinafter referred to as "Bronstein '596"). Each of the aforementioned rejections is respectfully traversed.

Claims 1 and 22 each recite a support layer having first and second opposed major surfaces, a chemiluminescent quantum yield enhancing material and probes covalently, ionically or physically attached to the first major surface of the support layer. Neither of the cited references discloses this arrangement. Moreover, Bronstein '596 discloses the probes attached directly to an onium polymer layer. Similarly, Bronstein '495 discloses quaternary onium polymers as membranes or as overcoatings for preformed membranes (i.e., the quaternary onium polymer in Bronstein '495 forms the surface to which the probes are applied). Accordingly, it is respectfully submitted that Claims 1 and 22 are patentable over the cited references. Claims 3-9 and 11-21 depend either directly or indirectly from Claim 1. Claim 24 depends from Claim 22. Accordingly, Claims 3-9, 11-21 and 24 are also patentable over the cited references for at least the reasons set forth above with respect to Claims 1 and 22.

Claim 25 recites “reacting a functional group on a quantum yield enhancing compound with functional groups on the solid support surface to covalently attach chemiluminescent enhancing moieties to the solid support surface”. It is respectfully submitted that the Official Action has pointed to no teaching or suggestion of a solid support or a method as set forth in these claims wherein a quantum yield enhancing compound or material is covalently attached to the solid support surface. Moreover, the cited references merely disclose physically coating a membrane with onium polymers. Accordingly, it is respectfully submitted that Claim 25 is patentable over the cited references. Claims 26 and 28-31 depend either directly or indirectly from Claim 25 and are therefore also patentable over the cited reference for at least the reasons set forth above with respect to Claim 25.

Claim 5 can be further distinguished from the cited references. In particular, Claim 5 recites that the “quantum yield enhancing material is covalently attached to a surface of the solid support”. As set forth above, the Official Action has pointed to no teaching or suggestion of a solid support or a method wherein a quantum yield enhancing compound or material is covalently attached to the solid support surface.

In view of the above, reconsideration and withdrawal of the aforementioned rejections is therefore respectfully requested.

Claim 68 has been added. Claim 68 depends from Claim 5 and is therefore patentable over the cited references for at least the reasons set forth above with respect to Claim 5.

CONCLUSION

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

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Respectfully submitted,
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